

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE BILL NO. 34
92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Offered March 4, 2003.

Senate Substitute adopted, March 6, 2003.

Taken up for Perfection March 6, 2003. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0389S.06P

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 188, RSMo, is amended by adding thereto one new section,

2 to be known as section 188.250, to read as follows:

188.250. 1. No person shall intentionally cause, aid, or assist a minor
2 **to obtain an abortion without the consent or consents required by section**
3 **188.028.**

4 **2. Any person who violates subsection 1 of this section shall be civilly**
5 **liable to the minor and to the person or persons required to give the consent**
6 **or consents pursuant to section 188.028. A court may award damages of up**
7 **to one thousand dollars, including attorney's fees and court costs, to any**
8 **person adversely affected by a violation of this section, and may include an**
9 **award for punitive damages.**

10 **3. It shall not be a defense to a claim brought pursuant to this section**
11 **that the abortion was performed or induced pursuant to consent to the**
12 **abortion given in a lawful manner in the state or place where the abortion**
13 **was performed or induced.**

14 **4. An unemancipated minor does not have capacity to consent to any**
15 **action in violation of this section or section 188.028.**

16 **5. A court may enjoin conduct that would be in violation of this section**
17 **upon petition by the attorney general, a prosecuting or circuit attorney, or**

18 **any person adversely affected or who reasonably may be adversely affected**
19 **by such conduct, upon a showing that such conduct:**
20 **(1) Is reasonably anticipated to occur in the future; or**
21 **(2) Has occurred in the past and that it is not unreasonable to expect**
22 **that under similar circumstances such conduct will be repeated.**

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